



**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*BCS*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/200,874    11/27/98    KIMURA

Y    35.C13132

005514    WM31/0705  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

EXAMINER
----------

CARTER, T

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED:

*8*  
07/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/200,874

Applicant(s)

KIMURA, YOSHIO

Examiner

Tia A Carter

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-2, 4, 6-9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Konishi (Pat. No. 6046820).

Regarding claim [1], Konishi discloses an image processing method (Column 2, lines 21-25) comprising the steps of:

Inputting output characteristics data corresponding to each of plurality of output apparatuses including a reference output apparatus (Fig. 1, column 3, lines 6-8); and

Forming correction data corresponding to the other output apparatus on the basis of the output characteristics data of said reference output apparatus and the output characteristics data of said other output apparatus (Fig. 1, column 3, lines 32-36),

Wherein in association with a revise of said output characteristics data of said reference output apparatus, said correction data corresponding to the other output apparatus is revised on the basis of said revised output characteristics data of said reference output apparatus (Fig. 1, column 3, lines 10-15). Further the cited reference

disclose the correction process that output the appropriate data. An example of this process is given in (Fig. 2, column 4, lines 21-27).

**The cited reference, also, notes the use of plural output devices/apparatuses in which can be implemented throughout the disclosed apparatus, however the cited reference only discloses the use of a printer and a host computer (Column 7, lines 44-47).**

Regarding claim [2], Konishi discloses a method according claim 1, wherein said output characteristics data is formed by a calibration function of said output apparatus (Fig. 1, column 3, lines 8-10).

Regarding claim [4], Konishi discloses a method according to claim 1, further comprising the step of setting said reference output apparatus (Fig. 4, column 5, lines 27-35). **It should be noted that claim limitation of “setting” could be equated to any operational feature for configuring an apparatus.**

Regarding claim [6], Konishi discloses a method according to claim 1, further comprising the steps of:

Transmitting said correction data to a client computer (Fig. 1 & 5, column 5, lines 40-43 & 53); and

Correcting input image data on the basis of said correction data by said client computer (Fig. 1 & 5, column 5, lines 54-57).

Regarding claim [7], Konishi an image processing apparatus which can communicate to a plurality of output apparatuses including a reference output apparatus (Fig. 1, column 3, lines 27-31), comprising:

Correction processing means for performing a correction process to image data by using correction data according to the output apparatus (Fig. 1, column 3, lines 32-37);

Input means for inputting output characteristics data of each output apparatus from said plurality of output apparatuses including said reference output apparatus (Fig. 1, column 3, lines 6-8); and

Revising means for revising said correction data corresponding to said other output apparatus on the basis of the output characteristics data of said reference output apparatus (Fig. 1, column 3, lines 49-55) and the output characteristics data of said other output apparatus (Fig. 2, column 4, lines 21-35).

**The cited reference, also, notes the use of plural output devices/apparatuses in which can be implemented throughout the disclosed apparatus, however the cited reference only discloses the use of a printer and a host computer (Column 7, lines 44-47).**

Regarding claim [8], Konishi discloses an apparatus to claim 7, further comprising image forming means for forming an image on the basis of said correction processed image data (Fig. 2, column 4, lines 24-27).

Regarding claim [9], Konishi discloses a memory medium in which a program for an image processing method has been stored (Fig. 1, column 3, lines 16-24) comprising the steps of:

Inputting output characteristics data corresponding to each of plurality of output apparatuses including a reference output apparatus (Fig. 1, column 3, lines 6-8); and

Forming correction data corresponding to the other output apparatus on the basis of the output characteristics data of said reference output apparatus and the output characteristics data of said other output apparatus (Fig. 1, column 3, lines 32-36),

Wherein in association with a revise of said output characteristics data of said reference output apparatus, said correction data corresponding to the other output apparatus is revised on the basis of said revised output characteristics data of said reference output apparatus (Fig. 1, column 3, lines 10-15). Further the cited reference disclose the correction process that output the appropriate data. An example of this process is given in (Fig. 2, column 4, lines 21-27).

**The cited reference, also, notes the use of plural output devices/apparatuses in which can be implemented throughout the disclosed apparatus, however the cited reference only discloses the use of a printer and a host computer (Column 7, lines 44-47).**

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konishi (U.S. Pat. No. 6046820) in view of Konishi (U.S. Pat. No. 5950036).

Regarding claim [3], Konishi differs from claim 3 in that he does not disclose the measuring of colors of an image, however, Konishi does disclose measuring the density of the sample image (Fig. 1, column 3, lines 35—37 & 54-55).

However, Konishi (5950036) discloses a method according to claim 1, wherein the output characteristics data of said reference output apparatus is derived by measuring a color of an image formed by an image signal corrected on the basis of the correction data formed by a calibration process after completion of said calibration process (Fig.10, column 7, lines 10-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Konishi wherein after the calibration process a step of measuring the color of the sample image would be implemented for quality color print jobs (Column 2, lines 21-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Konishi by the teachings of Konishi (5950036).

Regarding claim [5], Konishi differs from the limitation in claim 5 in that Konishi does not clearly disclose the use of a user specifying instruction.

However, Konishi (5950036) discloses a method according to claim 1, further comprising the step of setting said plurality of output apparatuses on the basis of an instruction of the user (Fig. 1, column 3, lines 51-60).

**The cited reference, also, notes the use of plural output devices/apparatuses in which can be implemented throughout the disclosed apparatus, however the cited reference only discloses the use of a printer and a host computer (Column 13, lines 13-16).**

It would have obvious to one of ordinary skill in the art at the time of the invention to have modified Konishi wherein a user is used to input instructions to the output apparatuses other than the use of a controlled software application from the supplying device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Konishi by the teachings of Konishi (5950036).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamada (U.S. 6188486) is cited to show related art with respect to a printing apparatus that communicates with plural printers by controlling the reference printer functions. Ito (U.S. Pat. No. 5378563) is cited to show related art with respect to an apparatus that corrects image densities. Takashi et al. (U.S. Pat. No. 5838342) is cited to show related with respect to an image output apparatus that corrects image densities and providing characteristics to plural printing devices.




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (9:30-6:00).

The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6036 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-6056.

Tia A Carter  
Examiner  
Art Unit 2622

TAC  
July 1, 2001

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600